

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JUNE 20, 2006
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 10:06 a.m. Council Member Hueso introduced and welcomed Jose Chavez, Junior Council Member Assistant for District 8. Council Member Frye welcomed Nicola a special visitor from Italy. City Attorney Karen Heumann recognized and welcomed Ashley Jimenez, a special visitor with the City Attorney's office. The meeting was recessed by Council President Peters at 10:54 a.m.

The meeting was reconvened by Council President Peters at 2:05 p.m. with Council President Pro Tem Young not present. Council President Peters recessed the meeting at 2:12 p.m. to convene the Redevelopment Agency. Council President Peters reconvened the regular meeting at 2:22 p.m. with Council President Pro Tem Young not present. Council President Peters recessed the regular meeting at 2:23 p.m. to reconvene the Redevelopment Agency and thereafter convene the Housing Authority. Council President Peters reconvened the regular meeting at 2:39 p.m. with Council President Pro Tem Young not present. Council President Peters recessed the meeting at 4:02 p.m. for the purpose of a break. Council President Peters reconvened the regular meeting at 4:09 p.m. with Council President Pro Tem Young not present. The meeting was adjourned by Council President Peters at 4:53 p.m.

ATTENDANCE DURING THE MEETING:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-not present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present

(7) Council Member Madaffer-present

(8) Council Member Hueso-present

Clerk-Maland (er/g)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-not present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-not present
- (8) Council Member Hueso-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Verne Gammon commented on police.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:28 a.m.)

PUBLIC COMMENT-2:

Hud Collins commented on the pension and financial crisis.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:28 a.m. – 10:31 a.m.)

PUBLIC COMMENT-3:

Don Stillwell commented on the safety of school children.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:31 a.m. – 10:34 a.m.)

PUBLIC COMMENT-4:

Phil Hart commented on the smoking ban.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:34 a.m. – 10:37 a.m.)

PUBLIC COMMENT-5:

Vickie Emigh commented on international relations.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:37 a.m. – 10:40 a.m.)

PUBLIC COMMENT-6:

Mark Smith commented on election integrity.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:40 a.m. – 10:43 a.m.)

PUBLIC COMMENT-7:

Carolyn Chase commented on the Regional Transportation Improvement Program.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:43 a.m. – 10:48 a.m.)

PUBLIC COMMENT-8:

Jinna Albright commented on the cost of police officers' health insurance.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:48 a.m. – 10:51 a.m.)

PUBLIC COMMENT-9:

Kevin Hauck commented on civil liberties.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:51 a.m. – 10:53 a.m.)

COUNCIL COMMENT:

None.

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

03/13/2006 - Adjourned
03/14/2006 - Adjourned
03/20/2006
03/21/2006

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:09 a.m. – 10:10 a.m.)

MOTION BY ATKINS TO APPROVE. Second by Frye. Passed by the following vote:
Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea,
Madaffer-not present, Hueso-yea.



[ITEM-31:](#) Brothers of Praise Phase II.

COUNCIL PRESIDENT PRO TEM YOUNG'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-946) ADOPTED AS RESOLUTION R-301544

Proclaiming June 20, 2006, to be "Brothers of Praise Phase II Day" in the City of San Diego in appreciation of their efforts to the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:10 a.m. – 10:13 a.m.)

MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.



[ITEM-32:](#) Richard J. Kerman Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-1029) ADOPTED AS RESOLUTION R-301545

Commending Richard J. Kerman for his 10 years of service to the City of San Diego Civil Service Commission and thanking him for his years of commitment and dedication to the people of San Diego through his involvement in civic, social service and legal organizations;

Proclaiming June 20, 2006, to be "Richard J. Kerman Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:13 a.m. – 10:22 a.m.)

MOTION BY ATKINS TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.



ITEM-50: Third Amendment to the College Community Redevelopment Plan.

(See Redevelopment Agency Report RA-06-19/RTC-06-045. College Community Area. District 7.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/23/2006, Item 335, Subitem A. (Council voted 7-1. Councilmember Frye voted nay):

(O-2006-130) ADOPTED AS ORDINANCE O-19503 (New Series)

Approving and adopting the Proposed Third Amendment to the Redevelopment Plan for the College Community Redevelopment Project.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:09 p.m. – 2:09 p.m.)

MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-nay, Madaffer-yea, Hueso-yea.

* ITEM-51: Levanto Rezone, located at 4545 Waring Road.

(Navajo Community Area. District 7.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/22/2006, Item 205, Subitem C.
(Council voted 7-0. Councilmember Atkins ineligible):

(O-2006-103) ADOPTED AS ORDINANCE O-19499 (New Series)

Changing a 5.67 acres site, located at 4545 Waring Road, in the Navajo Community Plan Area, in the City of San Diego, California, from the CV-1-1 Zone (formerly known as the CR Zone), into the RM-2-4 Zone and the Residential Tandem Parking Overlay Zone, as defined by San Diego Municipal Code Sections 131.0406 and 132.0901.

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:25 a.m.)

CONSENT MOTION BY ATKINS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-nay, Young-not present, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

* ITEM-52: Transfer of Non-Exclusive Solid Waste Collection Franchise Agreement with Diamond Solid Waste Services, LLC for Solid Waste Management Services.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/22/2006, Item 200. (Council voted 8-0):

(O-2006-126) ADOPTED AS ORDINANCE O-19500 (New Series)

Approving transfer of a Solid Waste Collection Franchise from NEWCO Inc., to Diamond Solid Waste Services, LLC; authorizing execution of a Class I Non-Exclusive Solid Waste Collection Franchise with Diamond Solid Waste Services, LLC; and finding no environmental impact by this action.

NOTE: 6 votes required.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:25 a.m.)

CONSENT MOTION BY ATKINS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

- * ITEM-53: Second Amendment to Agreement with MWH Americas, Inc. for Consulting Services for Research on Water Treatment Equipment.

(See Executive Summary Sheet dated 3/28/2006.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/30/2006, Item 53. (Council voted 8-0):

(O-2006-129) ADOPTED AS ORDINANCE O-19501 (New Series)

Authorizing the Mayor, or his designee, to execute a Second Amendment to Agreement between the City of San Diego and MWH Americas, Inc. for Consulting Services for Water Treatment Equipment Research, together with any reasonably necessary modifications or amendments thereto which do not increase agreement scope or cost and which the Mayor, or his designees, shall deem necessary from time to time in order to carry out the purposes and intent of the Agreement;

Declaring this activity is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15306 because this activity consists of basic data collection, research, experimental management, or resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.

NOTE: 6 votes required pursuant to Charter Section 99.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:25 a.m.)

CONSENT MOTION BY ATKINS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

- * ITEM-54: Amending the San Diego Municipal Code Relating to Pedicab Regulations and Transfer of Program to Metropolitan Transit System (MTS).

(See memorandum from Patti Boekamp dated 5/22/06, Report to the City Council No. 06-055, and City Manager Report CMR-05-115.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/30/2006, Item 200, Subitem A. (Council voted 8-0):

(O-2006-79) ADOPTED AS ORDINANCE O-19502 (New Series)

Amending Chapter 8, Article 3, Division 1, of the San Diego Municipal Code relating to Pedicabs by amending Sections 83.0102 through 83.0104, 83.0106, 83.0117, 83.1023 through 83.1025, 83.1028, 83.0130, and 83.1033; repealing Sections 83.0108, 83.0109, 83.0121, 83.0131, and 83.0132; and renumbering Sections 83.0110 and 83.0111.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:25 a.m.)

CONSENT MOTION BY ATKINS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

- * ITEM-100: Transfer of Funds and Approving Change Order No. 1 for the Construction of Tierrasanta Median Improvements.

(Tierrasanta Community Area. District 7.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-1017) ADOPTED AS RESOLUTION R-301546

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$200,000 within Fund 30309, TransNet Infrastructure Fund, from CIP-52-668.0, Navajo Road Median Enhancements Project, to CIP-52-310.0, Tierrasanta Median Improvements;

Authorizing the City Auditor and Comptroller to appropriate and expend \$200,000 from Fund 30309, TransNet Infrastructure Fund, CIP-52-310.0, Tierrasanta Median Improvements for the purpose of funding Construction Change Order No. 1, contingent upon the City Auditor and Comptroller first certifying that the funds are available with the City Treasurer;

Authorizing the Mayor to approve Construction Change Order No. 1 in connection with the contract between the City of San Diego and Heffler Company, Inc. for the construction of Tierrasanta Median Improvements amounting to a net increase in the contract price of \$201,500.54;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to Fund 30309, TransNet Infrastructure Fund;

Declaring this project is exempt from CEQA pursuant to State CEQA Guidelines Section 15301(c).

STAFF SUPPORTING INFORMATION:

The Tierrasanta Median Improvements Project includes the construction of several landscaped medians along Antigua Boulevard between Santo Road and Via Valarta. With the current available funding, this project will construct two gateway medians at the ends and reconfigure striping in front of the Kumeyaay School per the school's request to allow additional pick-up/drop-off areas.

The additional finding requested in this action for Construction Change Order No. 1 is for constructing three medians in the front of the Kumeyaay School. It is anticipated that the existing Maintenance Assessment District (MAD) will be re-balloted to include the maintenance of these medians.

FISCAL CONSIDERATIONS:

The total project cost is \$1,200,000. Of this amount, \$1,000,000 is available in CIP-52-310.0, Tierrasanta Median Improvements Project and \$200,000 is available in CIP-52-668.0, Navajo Avenue Median Enhancements Project, completed in 2004, Fund 30309, for payment on Construction Change Order No. 1.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The project was presented to the Tierrasanta Community in 2003 and February 15, 2006. The meetings were held at Tierrasanta Recreation Center, 1220 Clairemont Mesa Boulevard.

KEY STAKEHOLDERS:

Tierrasanta Community
Kumeyaay Elementary School
Heffler Company, Inc. (\$180,900.54)
Payco Specialties (\$8,000)
JF Tejeda (\$7,000)
Anderson Piping (\$5,600)

Boekamp/Haas

Aud. Cert. 2600828.

Staff: Richard Leja - (619) 533-3764
Jeremy A. Jung - Deputy City Attorney

FILE LOCATION: CONT – Heffler Co., Inc.

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:25 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

* ITEM-101: El Cajon Boulevard Median Improvements (Texas Street to 30th Street) – Additional Funds.

(North Park Community Area. District 3.)

STAFF’S RECOMMENDATION:

Adopt the following resolution:

(R-2006-1003) ADOPTED AS RESOLUTION R-301547

Authorizing the Fiscal Year 2006 Capital Improvements Program Budget in CIP-39-201.0, El Cajon Boulevard Median Improvements in Fund 79502, North Park Developer Impact Fees, to be increased by \$211,000;

Authorizing solely and exclusively the appropriation and expenditure of an amount not to exceed \$211,000 from Fund 79502, North Park Developer Impact Fees Fund, from CIP-39-201.0, El Cajon Boulevard Median Improvements, for the purpose of providing funds for the completion of the project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, from CIP-39-201.0, El Cajon Boulevard Median Improvements to fund balance in Fund 79502;

Declaring this activity is categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15303.

STAFF SUPPORTING INFORMATION:

The El Cajon Boulevard Median Improvements, Texas to 30th Street Project, CIP-39-201.0 is currently under construction by Scheidel Contracting and Engineering. When project construction is completed, the Community will benefit from landscaped medians, decorative concrete pavement, lighting, and traffic signal upgrades that will improve traffic flow. Additional work is needed in order to complete the construction. This funding will be used for Developer Impact Fee eligible components of the project.

FISCAL CONSIDERATIONS:

The total project cost is \$1,689,716.43. Of this amount, \$1,478,716.43 has been approved as part of CIP-39-201.0, El Cajon Boulevard Median Improvements (Texas Street to 30th Street) Project. Funding for this action in the amount of \$211,000 is available in Fund 79502, North Park Developer Impact Fees Fund, which is the total remaining project need.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Council Resolution R-300080 (dated January 31, 2005) authorized additional North Park Developer Impact Fees Fund in the amount of \$70,000 for the construction of the project. Council Resolution R-301097 (dated December 5, 2005) authorized additional funding of \$83,000 from North Park Developer Impact Fees Fund, \$216,000 of Transnet, Fund 30300, and \$15,000 from CDBG Funds for traffic signal work.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The project has been presented at the appropriate stages to the North Park Community Planning Group. The El Cajon Boulevard Business Improvement Association has also been briefed on these issues over last few months.

KEY STAKEHOLDERS:

North Park Community Group
Scheidel Contracting & Engineering, Inc.

Boekamp/Haas

Aud. Cert. 2600832.

Staff: Dave Zoumaras - (619) 533-3138
Jeremy A. Jung - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:25 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

* ITEM-102: Additional Federal Funds and Environmental Consultant Services for Georgia Street Bridge.

(Uptown and North Park Community Areas. District 3.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-996) ADOPTED AS RESOLUTION R-301548

Authorizing the City Auditor and Comptroller to accept and expend an additional \$576,000 of Federal Highway Bridge Program (HBP) funds for the preliminary engineering of CIP-52-555.0, Georgia Street Bridge over University Avenue;

Authorizing the City Auditor and Comptroller to increase by \$522,400 the Fiscal Year 2006 Capital Improvements Program Budget in CIP-52-555.0, Georgia Street Bridge over University Avenue, Fund 38703, HBP;

Authorizing the Mayor to execute, for and on behalf of said City, an agreement with BRG Consulting, Inc. for environmental consulting services for the Georgia Street Bridge Project, CIP-52-555.0, in an amount not to exceed \$400,000, contingent upon the City Auditor and Comptroller certifying that funds are on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

STAFF SUPPORTING INFORMATION:

The Georgia Street Bridge over University Avenue was constructed in 1914. Its condition is deteriorating, which has required numerous repairs. Consequently, there are concerns about the structural adequacy of the bridge and its supporting elements including the adjacent retaining walls. Due to the limited span and height of the bridge, University Avenue below the bridge does not meet current standards for clearance and pedestrian access. This project was created to address these issues.

Over the last few years several preliminary studies have been conducted to define the goals and feasibility of the project. As a result, the environmental document can now commence and federal funds have been programmed for this purpose.

Since the bridge, retaining walls, and street "cut" have recently been listed on the National Register of Historic Places, an extensive environmental assessment of the historical impacts and the potential alternatives (Retrofit/Repair, Replacement, No Project) must be conducted.

FISCAL CONSIDERATIONS:

The cost of the preliminary engineering and environmental work for this project is estimated at \$1,000,000. Of this, \$800,000 (80%) will be funded through this federal grant and \$200,000 (20%) will be funded from TransNet revenues as matching funds. The ultimate cost of this project is estimated to be \$8,000,000, depending on the alternative selected, cost escalations, and inclusion of supporting elements (retaining walls). The portion of the remaining project costs that will be funded from the federal grant cannot be determined at this time.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

During the development of the project, several meetings were conducted with the Uptown and North Park community planning group. Due to the historical nature, there are strong community concerns about the type of structural measure used for the project: repair/retrofit or replacement in kind. These issues will be addressed in the environmental process through extensive public outreach and community meetings.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

BRG Consulting, Inc.

Boekamp/Haas

Aud. Cert. 2600781.

Staff: Frank Gaines - (619) 533-3771
Jeremy A. Jung - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:25 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

- * ITEM-103: Agreement with The Regents of the University of California, San Diego for Evaluation of Anthropogenic Impacts on San Diego Coastal Ecosystem.

(See memorandum from Scott Tulloch dated 5/19/2006 and Executive Summary Sheet dated 4/21/2006. Citywide.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2006-965) ADOPTED AS RESOLUTION R-301549

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a four-year phase funded agreement with The Regents of the University of California, San Diego, (Scripps Institution of Oceanography) for the evaluation of anthropogenic impacts on the San Diego coastal ecosystem, under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$998,260 from Sewer Revenue Fund No. 41508, contingent on Council's approval of funding in each fiscal year's operating budget and provided that the City Auditor and Comptroller furnishes one or more certificates stating that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer, to be expended as follows:

Phase 1: \$236,564 from Fiscal Year 2006 appropriations

Phase 2: \$245,959 from Fiscal Year 2007 appropriations

Phase 3: \$252,858 from Fiscal Year 2008 appropriations

Phase 4: \$262,879 from Fiscal Year 2009 appropriations

Declaring this activity is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guideline Section 15306, because the agreement is for the purposes of information collection and other resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 5/24/2006, NR&C voted 3 to 0 to approve. (Councilmembers Faulconer, Atkins, and Frye voted yea. Councilmember Hueso not present.)

SUPPORTING INFORMATION:

In response to concerns of the public and environmental groups, the Metropolitan Wastewater Department worked with the University of California, San Diego, Scripps Institution of Oceanography, to convene a panel of scientific experts to evaluate the City's Ocean Monitoring Program. The purpose of the review was to insure that the program provides the necessary

information with which to evaluate the local ocean ecology and to address emerging issues of concern. The panel of experts concluded that the existing ocean monitoring program for the Pt. Loma region did an excellent job evaluating the regulatory compliance parameters for which it was designed, but that it could be enhanced to include environmental parameters that could help to discern anthropogenic (human caused) impacts to the regional San Diego coastal ecosystem.

It is noted that the City's Ocean Monitoring Program is conducted as a requirement of two National Pollution Discharge Elimination System (NPDES) permits that have been issued to the City of San Diego by the Regional Water Quality Control Board: Permit No. CA0107409, governing the Pt. Loma Wastewater Treatment Plant (PLWTP), and Permit No. CA0109045, governing the South Bay Water Reclamation Plant (SBWRP). The NPDES permit governing PLWTP was amended recently (in 2003). Among other things, the amended permit promotes studies of environmental parameters on a broader coastal scale as are recommended by Scripps.

Protection of the coastal marine environment is the main objective of the City's Ocean Monitoring Program and is of great importance to the citizens of the region. The City requires professional services for on-going scientific assistance that will follow the recommendations of the panel of experts and study the broader scale of questions regarding the San Diego coastal ecosystem.

Under this Agreement, Scripps Institution of Oceanography will continue its unique time-series study of the health and stability of the Pt. Loma kelp forest and will expand the study to include the kelp forests off Imperial Beach and North county, which are part of the same regional coastal ecosystem. In addition, under this Agreement, Scripps Institution of Oceanography will assess the amount and constitution of sediment flux in areas of the ecosystem where pollutants are expected to concentrate.

It is projected the term of the contract will be as follows: Phase 1 (FY 2006 Execution date) \$236,564; Phase 2 (May 1, 2007) \$245,959; Phase 3 (May 1, 2008) \$252,858; Phase 4 (May 1, 2009) \$262,879.

FISCAL CONSIDERATIONS:

The amount of this action is \$998,260 and will be phase-funded over a four year period from the operating budget of Sewer Fund 41508 as follows:

- Phase 1: \$236,564 from FY 2006 appropriations.
- Phase 2: \$245,959 from FY 2007 appropriations, contingent upon approval of the FY 2007 operating budget and provided that the City Auditor and Comptroller first furnishes a certificate stating that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.
- Phase 3: \$252,858 from FY 2008 appropriations, contingent upon approval of the FY 2008 operating budget and provided that the City Auditor and Comptroller first furnishes a certificate stating that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.
- Phase 4: \$262,879 from FY 2009 appropriations, contingent upon approval of the FY 2009 operating budget and provided that the City Auditor and Comptroller first furnishes a certificate stating that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

This item was reviewed and approved by the Natural Resources & Culture Committee on May 24, 2006.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Metro Commission/JPA was informed of this action at their meeting on May 4, 2006. Additionally, the environmental consortium, "Bay Council," was informed and has indicated support for the project.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

The Regents of the University of California, San Diego.

Ferrier

Aud. Cert. 2600804.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:25 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

- * ITEM-104: Appropriation and Expenditure of Funds for the Dingeman Elementary School - Spring Canyon Neighborhood Park Improvements.

(Miramar Ranch North Community Area. District 5.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-850) ADOPTED AS RESOLUTION R-301550

Authorizing the addition of CIP-29-907.0, Dingeman Elementary School - Spring Canyon Neighborhood Park Improvements to the Fiscal Year 2006 Capital Improvements Program;

Authorizing a \$115,890 increase in the Fiscal Year 2006 Capital Improvements Program Budget in CIP-29-907.0, Dingeman Elementary School - Spring Canyon Neighborhood Park Improvements from Miramar Ranch Development Agreement funds 392112 (\$151), 392123 (\$1,141), 392130 (\$39,840), 392132 (\$441), 392142 (\$527), and 392161 (\$73,790);

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$115,890 from CIP-29-907.0, Dingeman Elementary School - Spring Canyon Neighborhood Park Improvements from Miramar Ranch Development Agreement funds 392112 (\$151), 392123 (\$1,141), 392130 (\$39,840), 392132 (\$441), 392142 (\$527) and 392161 (\$73,790), for the improvement of the fields at Spring Canyon Neighborhood Park;

Finding that this activity is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15301 because this Project involves the maintenance or alteration of existing facilities.

STAFF SUPPORTING INFORMATION:

The Dingeman Elementary School is located at 11840 Scripps Creek Drive in the community area of Miramar Ranch North in Council District 5. Spring Canyon Neighborhood Park is located adjacent to Dingeman Elementary at 10907 Scripps Poway Parkway. The City has a 25 year Joint Use Agreement with San Diego Unified School District at the Dingeman Elementary School for turfed fields and multi-use courts that was signed on August 1993.

The Miramar Ranch North Planning Committee would like to have improvements made to the two fields at Spring Canyon Neighborhood Park used as the Dingeman Elementary School Joint Use area. This project provides for:

1. Resurfacing of the concrete multi-purpose courts.
2. Filling and leveling of all the low spots to improve field drainage.
3. Installing underground drainage lines in the turf to improve field drainage.
4. Improving the turf fields in Spring Canyon Neighborhood Park as coordinated through the Scripps Ranch Recreation Council and the Miramar Ranch North Planning Committee and as directed by the Scripps Ranch Park and Recreation Area Manager.

FISCAL CONSIDERATIONS:

The estimated cost of the improvements, totaling \$115,890, is available from the interest earnings in the Miramar Ranch Development Agreement funds 392112, 392123, 392130, 392132, 392142, and 392161.

Many years ago the City entered into various agreements with developers in Miramar Ranch North to provide extraordinary and significant benefit to the City for the construction of specific public facilities in exchange for vesting the developer's rights. These facilities included parks, a fire station and library. All of the facilities have been completed, but interest earnings, and in a few cases small amounts of principal, remain in the accounts set up for these developer contributions.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Miramar Ranch North Planning Committee voted unanimously on June 2, 2003 to spend the funds on this project.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

Miramar Ranch North Planning Committee
Scripps Ranch Recreation Council
San Diego Unified School District

Penera/Martinez

Aud. Cert. 2600823.

Staff: Jim Winter - (619) 533-3040
Eric A. Swenson - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:25 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

* ITEM-105: FY 2006 Homeland Security Grant Program.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-1059) ADOPTED AS RESOLUTION R-301551

Authorizing the Mayor, Chief Operating Officer, or the Deputy Chief Operating Officer for Public Safety/Homeland Security, for and on behalf of the City, to apply for, accept and expend grant funds from the FY 2006 Homeland Security Grant Program as the City's authorized agent;

Authorizing the Mayor, Chief Operating Officer, or the Deputy Chief Operating Officer for Public Safety/Homeland Security, to take all necessary steps to secure the grant funds, and to execute and submit all documents necessary to comply with the FY 2006 Homeland Security Grant Program requirements.

STAFF SUPPORTING INFORMATION:

The City of San Diego has been identified by the federal Department of Homeland Security (DHS) as the "core city" for the San Diego Urban Area's participation in the federal FY 2006 Homeland Security Grant Program (HSGP), specifically the Urban Area Security Initiative (UASI). The Urban Area is defined as the eighteen incorporated cities in San Diego County, unincorporated areas of the county and the related special districts. As the core city, San Diego will be the grantee and administrator of the UASI grant to the San Diego Urban Area. The FY 2006 UASI program provides financial assistance to address the unique equipment, training, and planning needs of large, high-threat urban areas, and to assist them in building an enhanced and sustainable capacity to prevent, respond to and recover from threats or acts of terrorism, major disasters, and other emergencies.

This grant year marks a significant change in how funds under the HSGP will be allocated. In previous years, States and Urban Areas knew their funding allocations prior to submitting grant applications. However, in FY 2006, a more competitive process was instituted in which States and Urban Areas submitted applications to formally request funding in support of State and Urban Area Homeland Security Strategies and related program planning documents. For FY 2006, funding for the UASI program is determined by a formula using a combination of current threat estimates, critical assets within the urban area, and population density.

The San Diego Urban Area submitted its initial grant application on March 1, 2006. That application addressed significant regional needs within the Urban Area and included eight investments - 1) Interoperable Communications and Connectivity, 2) Regional Information/Data Standards and Systems, 3) Critical Infrastructure and Key Resources Protection, 4) Chemical, Biological, Radiological, Nuclear, and Explosive/Weapons of Mass Destruction Detection and Response Capabilities, 5) Strengthening of Mass Prophylaxis Capabilities, 6) Increasing Community Preparedness and Integration of Special Needs Populations, 7) Catastrophic Event Citizen Protection, and 8) Development of Regional Recovery Plans. The application totaled \$41.7 million. This is a substantial request considering the San Diego Urban Area was awarded \$13.5 million under the FY 2005 UASI grant.

San Diego has been designated for sustainment funding only for this grant year based on DHS' assessment that San Diego does not meet the criteria as an at-risk area. If San Diego's DHS risk score does not increase, we will not be eligible for future UASI funding. Mayor Sanders has been working very closely with Washington, D.C. and others to ensure San Diego's critical infrastructure assets and potential for risk are being fully considered for the next release of eligible cities for the FY 2007 grant funds later this year.

Award notifications for the 2006 grant funds are to be announced on or about May 31, 2006, by DHS. At that time San Diego will know its allocation. The final grant application based on the award notification is due no later than June 30, 2006, or it will be ineligible for funding. That application process requires the submittal of a new Governing Body Resolution that appoints agents authorized to execute any actions necessary to obtain federal financial assistance provided by DHS and sub-granted through the State of California. Due to the short time frame between the announcement of the grant award and the final due date, it is imperative that this 1472 be routed and docketed as soon as possible. The award amount will be known by the docket hearing date.

Under the HSGP, the City of San Diego will also receive a share of the funding awarded to the County of San Diego as the core county for the San Diego Urban Area. This funding is specifically earmarked to promote comprehensive regional exercises, planning and coordination. For federal FY 2005, the City of San Diego received \$571,870 from the State Homeland Security Grant Program (SHSGP). The Office of Homeland Security will be submitting an investment request under this grant to update the City's outdated Emergency Operations Plan and its Major Incident Response Plan, and to develop a number of disaster preparedness plans to include a metropolitan evacuation plan, a pandemic response plan, a tsunami plan, and a business continuity and recovery plan. The award amount should be known by the docket hearing date.

All funding must be allocated in support of the goals and objectives identified in the San Diego Urban Area Homeland Security Strategy that was developed as a prerequisite to participation in the HSGP.

A regional metropolitan area approach must be taken in the development and implementation of this program by involving core cities, core counties, contiguous jurisdictions and mutual aid partners. While the focus of this program is weapons of mass destruction (WMD) preparedness, the benefits will be seen in all of the emergency preparedness programs in the region.

FISCAL CONSIDERATIONS:

There is no non- federal match or cost share required for grants under the HSGP covered by this resolution. However, these grants are reimbursement in nature requiring the City, as the core city in the urban area, to expend funds prior to requesting reimbursement. A cash advance process is available under this grant and will be used as appropriate for expenditures that can be completed within 120 days of receipt of funds. Due to the 90 day period from request of funds to receipt, this option will serve as a quicker method of obtaining reimbursement rather than as a cash advance for up front funds.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Not applicable.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Not applicable.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The regional approach of the San Diego Urban Area's grant application impacts the eighteen incorporated cities in San Diego County, the unincorporated areas of the county and the related special districts as well as contiguous jurisdictions and mutual aid partners. These key stakeholders will derive significant improvement in response capabilities with better prepared, trained and equipped first responders.

The citizens of the San Diego region will benefit from an expanded public outreach program designed to increase public and private business involvement in emergency preparedness activities. This outreach will achieve a dramatic increase in the level of resident preparedness and self-reliance in the wake of a terrorism-related event or catastrophic natural disaster among the numerous diverse populations in the region. This program will save lives in both the general and special needs populations. A better prepared community, including the business community, will unburden first responders and other emergency services personnel and allow them to engage in high priority life saving activities. It will also speed recovery and reduce economic loss.

Olen

Staff: Donna Faller - (619) 533-6763
Nooria Faizi - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:25 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.



* [ITEM-106:](#) JAG Grant (Edward Byrne Memorial Justice Assistance Grant).

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-1002) CONTINUED TO TUESDAY, JUNE 27, 2006

Authorizing and empowering the City Auditor and Comptroller, and Chief Operating Officer (or her designee), for and on behalf of the City of San Diego, to apply for, accept, and expend the JAG (Justice Assistance Grant) funds from the U.S. Department of Justice;

Authorizing the City Auditor and Comptroller, and Chief Operating Officer (or her designee) to execute all aspects of program operation, including any amendments, extensions, or renewals, for a period of up to five years, provided continued funding is made available, and to certify that the City will comply with all applicable statutory or regulatory requirements related to the JAG program;

Authorizing the City Auditor and Comptroller to transfer \$306,377 of these grant funds to the County of San Diego to assist in the operation of Drug Courts;

Declaring any resources received under the JAG program shall be used to supplement and not to supplant expenditures controlled by this body; and that personnel positions, if any, funded under this grant are not subject to local hiring freezes.

STAFF SUPPORTING INFORMATION:

The new Justice Assistance Grant replaces the former LLEBG Grant. Due to special conditions of the legislation, the City and County of San Diego allocation is combined into a single grant of \$957,751. The City and County are required to reach agreement on how to divide and use the funds, and to submit a joint application. The City and County have agreed to the following approximate allocations and application:

CITY: Total allocation to City of \$651,374 (68%) will be used for police automation, vehicle, safety, forensic, personnel, training, and miscellaneous equipment, maintenance and resources as needs are identified. Expenditures will contribute to the safety and efficiency of law enforcement and crime prevention services throughout San Diego.

COUNTY: Total Allocation to the County = \$306,377 (32%) will be used for Drug Court expenses, including a Probation Officer to be assigned to SDPD Gang Unit, and to make the current CROP Probation Officers at Central and Southern Division full time.

FISCAL IMPACT:

The City has agreed to serve as Fiscal Agent. This will result in minor administrative costs that will be absorbed by the regular budget and staff. There is no requirement for matching funds, and no requirement to continue grant funded activities, expenditures or programs after grant funds are depleted or terminated. Federal law requires that these funds supplement and not supplant funds otherwise available to law enforcement.

Froman/Lansdowne/DJW

Staff: Donna J. Warlick - (619) 531-2221
Joan F. Dawson - Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:53 a.m. – 10:54 a.m.)

MOTION BY ATKINS TO CONTINUE TO TUESDAY, JUNE 27, 2006, FOR FURTHER REVIEW. Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

* ITEM-107: Ratification of the 2006 Barrio Logan Project Area Committee (PAC) Election.

(Barrio Logan Community Area. District 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-1044) ADOPTED AS RESOLUTION R-301552

Approving as newly elected members to the PAC, the persons elected as members of the Project Area Committee for the Barrio Logan Redevelopment Project, as noted by the City Clerk's verification of the election results of May 17, 2006 attached as Exhibit A and incorporated by this reference;

Declaring the Council concurs that the election results of May 17, 2006 are valid and binding in accordance with the procedures adopted by Resolution No. R-296209;

Declaring this activity is not a project and is therefore exempt from CEQA pursuant to State CEQA Guidelines, Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

The Formation Procedures for the Barrio Logan Redevelopment PAC is the primary document that provides a framework to administer the PAC's annual elections. On December 8, 2003, the City Council approved with Resolution No. R-298704, the amendments to the Formation Procedures for the Barrio Logan Redevelopment Project Area Committee (Procedures). The amended Procedures required that the City Council direct Redevelopment Agency Staff to notice and conduct the annual elections. With the authorization of City Council, R-301308, adopted March 21, 2006, Redevelopment Agency Staff noticed and conducted the May 17, 2006 Barrio Logan PAC elections. Six (6) out of the thirteen (13) seats of the Barrio Logan PAC were vacant and available to be filled at the election. The council has previously ratified the annual PAC election results (1990 through 2004) in accordance with the Barrio Logan PAC Formation Procedures.

The PAC annual election was held on May 17, 2006, to fill six (6) vacancies on the PAC. As a result of the election, six members were elected.

The names and categories represented by the six elected members nominated for ratification by the City Council are as follows:

Residential Tenant: Sara Joaquin
Residential Tenant: Maria Munoz
Business Owner: Jim Torti
Business Owner: Glenna Schmidt
Residential Owner-Occupant: Armida Sainz Ramirez
Community Organization: Rachael Ortiz

FISCAL CONSIDERATIONS:

None with this action.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

With the authorization of City Council, R-301308, adopted March 21, 2006, Redevelopment Agency Staff noticed and conducted the May 17, 2006 Barrio Logan PAC elections.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Election Notices for the May 17, 2006 PAC Election were posted in four places within the Project Area. The San Diego Community College District Continuing Education Campus (Cesar Chavez Campus in Barrio Logan), Logan Heights Family Health Center, Perkins Elementary School and Barrio Station. In addition, the Election Notice was posted on the Redevelopment Division's website as well as mailed to all residents and property owners in the Project area. Out reach efforts also included a department issued press release announcing the election.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Barrio Logan Community

Ostrye/Waring

Staff: Sam Johnson - (619) 533-5425
Carol A. Leone - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:25 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

- * ITEM-108: Proposal to Amend Conflicts of Interest Code to Add Office of the Independent Budget Analyst.

(See Report from City Attorney Aguirre dated 4/20/2006.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2006-913) ADOPTED AS RESOLUTION R-301553

Amending the Conflict of Interest Code for the City Council Departments and Council Administration to include the Office of Independent Budget Analyst, to describe the duties of the IBA and Budget/Legislative Analyst I and II, and to specify their respective reporting categories under the City's Conflict of Interest Code, with Appendix A showing designated positions and their duties, and Appendix B showing the disclosure categories;

Declaring a copy of the amended Conflict of Interest Code, now including the Office of Independent Budget Analyst, as adopted be placed on file with the Office of the City Clerk;

Declaring the persons whose positions are designated in the amended Conflict of Interest Code shall file their statements of economic interest with the City Clerk;

Declaring the statements of economic interest filed by designated persons be retained by the Office of the City Clerk and be made available for public inspection and reproduction;

Declaring the amended Conflict of Interest Code becomes effective upon the date of final passage of this resolution.

**RULES, OPEN GOVERNMENT, AND INTERGOVERNMENTAL RELATIONS
COMMITTEE'S RECOMMENDATION:**

On 5/31/2006, RULES voted 5 to 0 to approve proposal to amend the Conflicts of Interest Code to add the Office of the Independent Budget Analyst. (Councilmembers Peters, Young, Maienschein, Frye, and Madaffer voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:25 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

* ITEM-109: Biennial Review of the Conflict of Interest Codes.

CITY CLERK'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-989) ADOPTED AS RESOLUTION R-301554

Directing all local agencies for which the City Council serves as code-reviewing body and for which conflict of interest codes have previously been adopted, to review all existing Codes and determine whether their Codes should be amended;

Directing each City department, agency, board and commission subject to a Code, to review its Code and provide to the City Clerk by September 8, 2006, either a written statement that no amendment is required, or an amended Code for the Council's approval.

SUPPORTING INFORMATION:

Government Code Section 87305.5 states that, no later than July 1 of each even-numbered year, "code reviewing bodies" are required to direct each local agency, under their jurisdiction, which has previously adopted a conflict of interest code (Code) to review the agency's Code. Under this law, the term "local agencies" includes not only City departments, but also City-owned corporations, certain City boards and commissions, and certain other local agencies (for example, the Housing Commission), for whom the City Council serves as code reviewing body.

Government Code Section 87306.5 also requires local agencies to submit a biennial report identifying changes in their Code, or a statement that their Code is not in need of an amendment. The biennial reports are submitted to the applicable code reviewing body.

Following receipt of either the biennial report identifying Code changes, or a statement that no amendment is needed, from each local agency, the Clerk will prepare a report summarizing the submittals. Revised conflict of interest codes will then be submitted to the City Council for approval.

FISCAL CONSIDERATIONS:

N/A

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

N/A

SUPPORTING INFORMATION:

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

N/A

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

N/A

Maland

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:25 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.



* [ITEM-110:](#) Appointment of Leslie M. Williamson to the Qualcomm Stadium Advisory Board.

(See memorandum from Mayor Sanders dated 5/24/2006, with resume attached.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-1014) ADOPTED AS RESOLUTION R-301555

Council confirmation of the following appointment by the Mayor of the City of San Diego, to serve as a member of the Qualcomm Stadium Advisory Board, for a term ending as indicated:

<u>NAME</u>	<u>TERM ENDING</u>
Leslie M. Williamson (Serra Mesa, District 6) (Replacing John Wertz, whose term expired)	January 1, 2010

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:25 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

* ITEM-111: San Diego Watercolor Society Day.

COUNCILMEMBER FAULCONER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-1021) ADOPTED AS RESOLUTION R-301556

Recognizing and appreciating the San Diego Watercolor Society's support of the City's Water Conservation Program;

Proclaiming June 2, 2006, to be "San Diego Watercolor Society Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:25 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

* ITEM-112: Affordable Housing Week.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-1058) ADOPTED AS RESOLUTION R-301557

Saluting the work of the San Diego Housing Federation and the many non-profit and for-profit developers who have partnered to develop affordable housing;

Proclaiming the week of June 11-17, 2006, to be "Affordable Housing Week" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:25 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

* ITEM-113: World Wings International Day.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-998) ADOPTED AS RESOLUTION R-301558

Recognizing World Wings International for their 30 years of dedication and service to the citizens of San Diego;

Proclaiming June 10, 2006, to be "World Wings International Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:25 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

* ITEM-114: Skill Centers of America and Charlie Joiner Day.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-1015) ADOPTED AS RESOLUTION R-301560

Recognizing Skill Centers of America and Charlie Joiner for their outstanding service and dedication to the people of San Diego;

Proclaiming June 23, 2006, to be "Skill Centers of America and Charlie Joiner Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:25 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

* ITEM-115: Community HousingWorks FaceLift Day.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-999) ADOPTED AS RESOLUTION R-301561

Proclaiming June 10, 2006, as "Community HousingWorks FaceLift Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:25 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

* ITEM-116: Reality Changers Day.

COUNCILMEMBER HUESO'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-1022) ADOPTED AS RESOLUTION R-301562

Commending Christopher Yanov, Reality Changers' program director, for his outstanding service, leadership, and commitment to the people of San Diego;

Proclaiming June 17, 2006, to be "Reality Changers Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:25 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

* ITEM-117: James Justus Day.

COUNCILMEMBER HUESO'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-1023) ADOPTED AS RESOLUTION R-301563

Commending James Justus for his outstanding service, leadership, and commitment to the people of San Diego;

Proclaiming June 24, 2006, to be "James Justus Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:25 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

- * ITEM-118: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District 8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2006-771) ADOPTED AS RESOLUTION R-301564

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L - State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:25 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

- * ITEM-119: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2006-928) ADOPTED AS RESOLUTION R-301565

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

FILE LOCATION: GEN'L - State of Emergency Due to Severe Shortage of
Affordable Housing in the City of San Diego

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:25 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the
following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-
yea, Frye-yea, Madaffer-not present, Hueso-yea.

* ITEM-120: Appointment of Nora L. Smyth to the Civil Service Commission.

(See memorandum from Mayor Sanders dated May 16, 2006.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-940) ADOPTED AS RESOLUTION R-301566

Council confirmation of the following appointment by the Mayor of the City of
San Diego, to serve as a member of the Civil Service Commission, for a term
ending as indicated:

<u>NAME</u>	<u>TERM ENDING</u>
Nora L. Smyth (Kensington, District 3) (Replacing Richard J. Kerman, whose term expired)	January 9, 2011

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:25 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the
following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-
yea, Frye-yea, Madaffer-not present, Hueso-yea.



ITEM-330: Eight actions related to One Year Extension of the Time Limits for the Effectiveness of the Barrio Logan, City Heights, College Grove, College Community, Naval Training Center, North Bay, North Park, and San Ysidro Redevelopment Plans and the Date All Debt Must Be Repaid to Receive Tax Increment.

(See Redevelopment Agency Report RA-06-29. Barrio Logan, City Heights, College Area, Eastern Area, Linda Vista, Midway/Pacific Highway, Peninsula, Old Town, North Park, and San Ysidro Community Areas. Districts 2, 3, 4, 6, 7, and 8.)

REDEVELOPMENT AGENCY'S RECOMMENDATION:

Introduce the following ordinances:

Subitem-A: (O-2006-136) INTRODUCED, TO BE ADOPTED ON TUESDAY,
JULY 11, 2006

Introduction of an Ordinance amending the Redevelopment Plan for the Barrio Logan Redevelopment Project Area extending the plan effectiveness deadline, repayment of indebtedness deadline and tax increment receipt deadline.

Subitem-B: (O-2006-138) INTRODUCED, TO BE ADOPTED ON TUESDAY,
JULY 11, 2006

Introduction of an Ordinance amending the Redevelopment Plan for the City Heights Redevelopment Project Area extending the plan effectiveness deadline, repayment of indebtedness deadline and tax increment receipt deadline.

Subitem-C: (O-2006-137) INTRODUCED, TO BE ADOPTED ON TUESDAY,
JULY 11, 2006

Introduction of an Ordinance amending the Redevelopment Plan for the College Community Redevelopment Project Area extending the plan effectiveness deadline, repayment of indebtedness deadline and tax increment receipt deadline.

Subitem-D: (O-2006-143) INTRODUCED, TO BE ADOPTED ON TUESDAY,
JULY 11, 2006

Introduction of an Ordinance amending the Redevelopment Plan for the College Grove Redevelopment Project Area extending the plan effectiveness deadline, repayment of indebtedness deadline and tax increment receipt deadline.

Subitem-E: (O-2006-142) INTRODUCED, TO BE ADOPTED ON TUESDAY,
JULY 11, 2006

Introduction of an Ordinance amending the Redevelopment Plan for the Naval Training Center Redevelopment Project Area extending the plan effectiveness deadline, repayment of indebtedness deadline and tax increment receipt deadline.

Subitem-F: (O-2006-140) INTRODUCED, TO BE ADOPTED ON TUESDAY,
JULY 11, 2006

Introduction of an Ordinance amending the Redevelopment Plan for the North Bay Redevelopment Project Area extending the plan effectiveness deadline, repayment of indebtedness deadline and tax increment receipt deadline.

Subitem-G: (O-2006-141) INTRODUCED, TO BE ADOPTED ON TUESDAY,
JULY 11, 2006

Introduction of an Ordinance amending the Redevelopment Plan for the North Park Redevelopment Project Area extending the plan effectiveness deadline, repayment of indebtedness deadline and tax increment receipt deadline.

Subitem-H: (O-2006-139) INTRODUCED, TO BE ADOPTED ON TUESDAY,
JULY 11, 2006

Introduction of an Ordinance amending the Redevelopment Plan for the San Ysidro Redevelopment Project Area extending the plan effectiveness deadline, repayment of indebtedness deadline and tax increment receipt deadline.

Staff: Maureen Ostrye - (619) 533-5428
Bruce Bartram- Deputy City Attorney

NOTE: See the Redevelopment Agency Agenda of June 20, 2006 for a companion item.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:22 p.m. – 2:22 p.m.)

MOTION BY MADAFFER TO INTRODUCE. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-nay, Madaffer-yea, Hueso-yea.



ITEM-331: Approval of the Transfer of Housing Funds from the Mount Hope Housing Rehabilitation Program to the Southcrest Housing Rehabilitation Program and Approval of the Findings of Benefit to the Mount Hope Redevelopment Project Area.

(See memorandum from Carolyn Y. Smith dated 5/1/2006. Southeastern San Diego Community Area. Districts 4 and 8.)

**SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S
RECOMMENDATION:**

Adopt the following resolution:

(R-2006-995) ADOPTED AS RESOLUTION R-301567

Authorizing the Mayor to approve the transfer of \$150,000 from the Mount Hope Housing Rehabilitation Program to the Southcrest Housing Rehabilitation Program;

Finding and determining that, based upon the information set forth in Attachment No. 1, Findings of Benefit to the Mount Hope Redevelopment Project Area, the use of Mount Hope Redevelopment Project Area Set-Aside Funds to provide for the Southcrest Housing Rehabilitation Program will be of benefit to the Mount Hope Redevelopment Project Area;

Declaring this activity is not a "project" and is therefore exempt from California Environmental Quality Act (CEQA) pursuant to the State CEQA Guidelines Section 15060(c)(3).

SUPPORTING INFORMATION:

In 1997, a Housing Rehabilitation Program (Program) that assists low-moderate income single-family homeowners living in the Southcrest Redevelopment Project Area was established and is administered by the Housing Commission under a Master Administrative Agreement with SEDC.

DISCUSSION

The Southcrest Rehabilitation Program funding has been made available through the Southcrest 20% tax increment set-aside for affordable housing. The Southcrest Housing Rehabilitation Funds have been depleted since FY 04/05. The Housing Commission has not taken any new applications and there are 12 Southcrest homeowners on a waiting list.

Since August 21, 1991, the Mount Hope Housing Rehabilitation Program has been the recipient of Housing Set-Aside Funds from the Agency's Market Street Industrial Park Redevelopment Project (Market Street) since the Market Street Project had no residential units within its boundaries. The total amount of funding transferred from Market Street into the Mount Hope Rehabilitation Program is \$483,321.61.

As of the first quarter of fiscal year 2005-2006, the Mount Hope Rehabilitation Program contained a balance of \$259,688 from the Market Street Fund and \$9,616 from the Mount Hope Set-Aside Fund for a total of \$269,304.

ALTERNATIVE:

Do not approve the transfer of funds. This alternative would delay the rehabilitation of owner-occupied housing in the Southcrest Redevelopment Project Area.

FISCAL IMPACT:

The transfer of funds (\$150,000) is a reclassification within the Housing Rehabilitation Programs administered by the San Diego Housing Commission.

PREVIOUS AGENCY ACTION:

On November 27, 2001, the Redevelopment Agency and the City Council approved the Master Agreement with the San Diego Housing Commission for administration of the SEDC Rehabilitation Programs. On November 16, 2005, the SEDC Board of Directors recommended Agency approval of the transfer of funds.

COMMUNITY PARTICIPATION & PUBLIC OUTREACH EFFORTS:

Quarterly Rehabilitation Housing Program status meetings are held between SEDC, and members of the Southeastern San Diego Community. Meeting participants are supportive of this action.

Smith

NOTE: See the Redevelopment Agency Agenda of June 20, 2006 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:22 p.m. – 2:23 p.m.)

MOTION BY HUESO TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-332: Eight actions related to Increased Authorization for Outside Legal Fees.

STAFF'S RECOMMENDATION:

Take the following actions authorizing attorney's fees for current and former elected officials related to the proceedings of the ongoing financial investigations and pension-related litigation:

Subitem-A: (R-2006-) ADOPTED AS RESOLUTION R-301568

Increase the Fiscal Year 2006 authorization for Council President Scott Peters in the amount of \$30,000, for Sheppard Mullin Richter & Hampton, LLP, and approve initial Fiscal Year 2007 authorizations in the amounts of \$150,000 for Sheppard Mullin Richter & Hampton, LLP and \$10,000 for Paul, Hastings, Janofsky & Walker, LLP.

Subitem-B: (R-2006-) ADOPTED AS RESOLUTION R-301569

Increase the Fiscal Year 2006 authorization for Councilmember Toni Atkins in the amount of \$153,000, for Morrison and Foerster, LLP, and approve an initial Fiscal Year 2007 authorization in the amount of \$150,000 for Morrison and Foerster, LLP.

Subitem-C: (R-2006-) ADOPTED AS RESOLUTION R-301570

Increase the Fiscal Year 2006 authorization for Councilmember Brian Maienschein in the amount of \$110,000, for Morrison and Foerster, LLP, and approve an initial Fiscal Year 2007 authorization in the amount of \$150,000 for Morrison and Foerster, LLP.

Subitem-D: (R-2006-) ADOPTED AS RESOLUTION R-301571

Increase the Fiscal Year 2006 authorization for Councilmember Jim Madaffer in the amount of \$100,000, for the Law Firms Akin Gump Strauss Hauer and Feld, LLP & Paul Hastings, Janofsky & Walker, LLP, and approve an initial Fiscal Year 2007 authorization in the amount of \$150,000 for Paul Hastings, Janofsky & Walker, LLP.

Subitem-E: (R-2006-) ADOPTED AS RESOLUTION R-301572

Increase the Fiscal Year 2006 authorization for former Mayor Dick Murphy in the amount of \$40,000, for Sheppard Mullin Richter & Hampton, LLP, and approve initial Fiscal Year 2007 authorizations in the amounts of \$150,000 for Sheppard Mullin Richter & Hampton, LLP and \$10,000 for Paul, Hastings, Janofsky & Walker, LLP.

Subitem-F: (R-2006-) ADOPTED AS RESOLUTION R-301573

Approve an initial Fiscal Year 2007 authorization for former Councilmember Zucchet in the amount of \$50,000 for Coughlan, Semmer & Lipman, LLP.

Subitem-G: (R-2006-) ADOPTED AS RESOLUTION R-301574

Approve an initial Fiscal Year 2007 authorization for former Councilmember Inzunza in the amount of \$50,000 for the Law Offices of Michael Pancer.

Subitem-H: (R-2006-) ADOPTED AS RESOLUTION R-301575

Authorizing the Law Firm of Paul, Hastings, Janofsky & Walker, LLP to replace the Law Firm of Akin, Gump, Strauss, Hauer and Feld, LLP in providing legal services for certain officials.

Directing the City Attorney to prepare the appropriate resolutions in accordance with Charter Section 40.

STAFF SUPPORTING INFORMATION:

The Securities and Exchange Commission (SEC), U.S. Attorney's Office and the District Attorney's Office have been undertaking investigations into certain financial disclosure practices of the City of San Diego. Certain elected officials have been asked to participate in interviews and proceedings related to these investigations including compliance with subpoenas.

In a report to the Mayor and City Council dated January 31, 2005 the City Attorney states "in our view it is appropriate for the Mayor and City Councilmembers to have separate counsel to advise them in anticipation of a civil proceeding by the SEC".

The City has retained law firms on behalf of several current and former members of the City Council related to these investigations. The City Council authorized \$851,000 on June 28, 2005 for legal fees which were allocated to individual Councilmembers by Council Resolution. On March 28, 2006, the City Council authorized an additional \$927,312.80 in funding to meet estimated expenditures through the end of the fiscal year. This brought the total authorized amount for these services to \$1,778,312.80.

The investigations are continuing and new pension-related litigation has been initiated over the past several months. Legal expenses are now anticipated to exceed the authorized funding levels. Each Councilmember, through their law firm, has identified the level of expenditures anticipated through the end of the Fiscal Year (June 30, 2006). The City Council is requested to approve the additional amount for Fiscal Year 2006 as shown in the attached table.

It is also requested that the City Council authorize \$870,000 in FY2007 funding to pay legal expenses anticipated to occur after July 1, 2006. This amount is allocated as shown in the table. These contracts will continue to be managed by the Mayor's Office which includes review and approval of the invoice activities and charges by Robert J. O'Neill, Judge of the Superior Court, Retired.

It is also requested that the Council authorize the replacement of Akin, Gump, Strauss, Hauer and Feld, LLP with the Law Firm Paul, Hastings, Janofsky & Walker LLP due to a change in the law firm affiliation of Mr. Tom Zaccaro who was providing primary legal counsel to Councilmember Madaffer as well as legal counsel on invoice redaction to Council President Peters and former Mayor Murphy.

FISCAL CONSIDERATIONS:

The costs associated with this action will be allocated across the City organization based on Full Time Equivalent positions, consistent with the Council approved Allocation Policy. The allocation of the Fiscal Year 2006 and 2007 funding is shown in the matrices. The City Auditor and Comptroller will transfer excess General Fund revenues to the Public Liability Fund to meet the General Fund portion of these obligations. This proposed transfer is referenced in the mitigation table as a use of funds in the Fourth Quarter Adjustment Report submitted to Council by the Chief Financial Officer. Fiscal Year 2006 funding which is not expended will be carried over to Fiscal Year 2007.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Council previously authorized \$851,000 for the legal fees of current and former Councilmembers on June 28, 2005, and an additional \$927,312.80 on March 28, 2006.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

None associated with this action.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

The following law firms are providing legal counsel on behalf of current and former Councilmembers:

Sheppard Mullin Richter & Hampton, LLP for Council President Peters and former Mayor Murphy; Coughlan, Semmer & Lipman, LLP for former Councilmember Zucchet; Morrison & Foerster, LLP for Councilmembers Atkins and Maienschein; Paul, Hastings, Janofsky & Walker, LLP for Councilmembers Madaffer, Peters and former Mayor Murphy (as of mid April); and the Law Offices of Michael Pancer for former Councilmember Inzunza. Akin Gump Strauss Hauer & Feld, LLP concluded their provision of services for Councilmembers Madaffer, Peters and former Mayor Murphy in mid April.

Plank/Froman

Aud. Certs. 2700001 and 2600888.

Staff: Ed Plank - (619) 236-6433

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:09 p.m. – 4:53 p.m.)

MOTION BY MADAFFER TO ADOPT SUBITEM A TO: 1) APPROVE ATTORNEY'S FEES FOR CURRENT AND FORMER ELECTED OFFICIALS RELATED TO THE PROCEEDINGS OF THE ONGOING FINANCIAL INVESTIGATIONS AND PENSION-RELATED LITIGATION PURSUANT TO THE ALTERNATIVE RESOLUTION WHICH COUNCIL MEMBER MADAFFER HAS DISTRIBUTED; 2) INCREASE THE FISCAL YEAR 2006 AUTHORIZATION FOR COUNCIL PRESIDENT SCOTT PETERS IN THE AMOUNT OF \$30,000, FOR SHEPPARD MULLIN RICHTER & HAMPTON, LLP, AND APPROVE AN INITIAL FISCAL YEAR 2007 AUTHORIZATIONS IN THE AMOUNTS OF \$150,000, FOR SHEPPARD MULLIN RICHTER & HAMPTON, LLP AND \$10,000 FOR PAUL, HASTINGS, JANOFSKY & WALKER, LLP; 3) EXPENDITURES SHALL BE ALLOCATED FROM GENERAL FUND; AND 4) ANY EXCEEDANCE OF FUNDS MUST BE BROUGHT BEFORE COUNCIL PRIOR TO THE ACTUAL EXPENDITURE BEING MADE. Second by Hueso. Passed by the following vote: Peters-ineligible, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

MOTION BY MADAFFER TO ADOPT SUBITEM B TO: 1) APPROVE ATTORNEY'S FEES FOR CURRENT AND FORMER ELECTED OFFICIALS RELATED TO THE PROCEEDINGS OF THE ONGOING FINANCIAL INVESTIGATIONS AND PENSION-RELATED LITIGATION PURSUANT TO THE ALTERNATIVE RESOLUTION WHICH COUNCIL MEMBER MADAFFER HAS DISTRIBUTED; 2) INCREASE THE FISCAL YEAR 2006 AUTHORIZATION FOR COUNCIL MEMBER TONI ATKINS IN THE AMOUNT OF \$153,000, FOR MORRISON AND FOERSTER, LLP, AND APPROVE AN INITIAL FISCAL YEAR 2007 AUTHORIZATION IN THE AMOUNT OF \$150,000, FOR MORRISON AND FOERSTER, LLP; 3) EXPENDITURES SHALL BE ALLOCATED FROM GENERAL

FUND; AND 4) ANY EXCEEDANCE OF FUNDS MUST BE BROUGHT BEFORE COUNCIL PRIOR TO THE ACTUAL EXPENDITURE BEING MADE. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-ineligible, Young-not present, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

MOTION BY MADAFFER TO ADOPT SUBITEM C TO: 1) APPROVE ATTORNEY'S FEES FOR CURRENT AND FORMER ELECTED OFFICIALS RELATED TO THE PROCEEDINGS OF THE ONGOING FINANCIAL INVESTIGATIONS AND PENSION-RELATED LITIGATION PURSUANT TO THE ALTERNATIVE RESOLUTION WHICH COUNCIL MEMBER MADAFFER HAS DISTRIBUTED; 2) INCREASE THE FISCAL YEAR 2006 AUTHORIZATION FOR COUNCIL MEMBER BRIAN MAIENSCHIN IN THE AMOUNT OF \$110,000, FOR MORRISON AND FOERSTER, LLP, AND APPROVE AN INITIAL FISCAL YEAR 2007 AUTHORIZATION IN THE AMOUNT OF \$150,000, FOR MORRISON AND FOERSTER, LLP; 3) EXPENDITURES SHALL BE ALLOCATED FROM GENERAL FUND; AND 4) ANY EXCEEDANCE OF FUNDS MUST BE BROUGHT BEFORE COUNCIL PRIOR TO THE ACTUAL EXPENDITURE BEING MADE. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-ineligible, Frye-yea, Madaffer-yea, Hueso-yea.

MOTION BY HUESO TO ADOPT SUBITEM D TO: 1) APPROVE ATTORNEY'S FEES FOR CURRENT AND FORMER ELECTED OFFICIALS RELATED TO THE PROCEEDINGS OF THE ONGOING FINANCIAL INVESTIGATIONS AND PENSION-RELATED LITIGATION PURSUANT TO THE ALTERNATIVE RESOLUTION WHICH COUNCIL MEMBER MADAFFER HAS DISTRIBUTED; 2) INCREASE THE FISCAL YEAR 2006 AUTHORIZATION FOR COUNCIL MEMBER JIM MADAFFER IN THE AMOUNT OF \$100,000, FOR THE LAW FIRMS AKIN GUMP STRAUSS HAUER AND FELD, LLP, & PAUL HASTINGS, JANOFKY & WALKER, LLP, AND APPROVE AN INITIAL FISCAL YEAR 2007 AUTHORIZATION IN THE AMOUNT OF \$150,000, FOR PAUL HASTINGS, JANOFKY & WALKER LLP; 3) EXPENDITURES SHALL BE ALLOCATED FROM GENERAL FUND; AND 4) ANY EXCEEDANCE OF FUNDS MUST BE BROUGHT BEFORE COUNCIL PRIOR TO THE ACTUAL EXPENDITURE BEING MADE. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea, Madaffer-ineligible, Hueso-yea.

MOTION BY MADAFFER TO ADOPT SUBITEMS E, F, G, AND H TO: 1) APPROVE ATTORNEY'S FEES FOR CURRENT AND FORMER ELECTED OFFICIALS RELATED TO THE PROCEEDINGS OF THE ONGOING FINANCIAL INVESTIGATIONS AND PENSION-RELATED LITIGATION PURSUANT TO THE ALTERNATIVE RESOLUTION WHICH COUNCIL MEMBER MADAFFER HAS DISTRIBUTED; 2) EXPENDITURES SHALL BE ALLOCATED FROM GENERAL FUND; AND 3) ANY EXCEEDANCE OF FUNDS MUST BE BROUGHT BEFORE COUNCIL PRIOR TO THE ACTUAL EXPENDITURE BEING MADE. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-333: Preliminary Items for Multi-family Revenue Bonds for Studio 15 Apartments.

(See San Diego Housing Commission Report HCR-06-008. Centre City Community Area. District 2.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-1061) ADOPTED AS RESOLUTION R-301576

Approving the issuance of Bonds by the Housing Authority of the City of San Diego for the Studio 15 Apartments, pursuant to Section 147(f) of the Internal Revenue Code of 1986;

Declaring the City does not warrant the creditworthiness of the Bonds or guarantee, in any way, the payment of the Bonds. No moneys of the City will be pledged or applied to the repayment of the Bonds.

SUPPORTING INFORMATION:

Affirmed and HDP have been working together to develop 275 affordable housing units on the southwest corner of 15th Street and Imperial Avenue in downtown San Diego. Affirmed is a for-profit affordable housing developer who has completed a number of successful projects in San Diego. HDP is a nonprofit public benefit corporation established by the Housing Commission to

develop affordable housing and to provide facilities and services related to housing. HDP is operated as an independent nonprofit by a Board of Directors.

Studio 15 will provide a total of 275 furnished living units. The living units will be larger and have more amenities than typical SRO units. The units will average approximately 275 square feet and each will have a bathroom and a kitchenette equipped with a combination microwave/convection oven, a sink with a garbage disposal, and a small refrigerator. Twenty-seven units will be restricted at 40% Area Median Income (AMI) (\$19,300 for a household of one), 108 units will be restricted at 50% AMI (\$24,200 for a household of one), 139 units will be restricted at 60% AMI (\$29,000 for a household of one), and one unit will be restricted for occupancy by a resident manager.

The project has a total development cost of approximately \$40 million. Permanent sources of finance include a Centre City Development Corporation loan (\$15.8 million), federal tax credits (\$15.3 million), housing revenue bonds (\$8.3 million), and a deferred developer fee (\$600,000). It is anticipated that the Housing Authority will initially issue approximately \$21 million in bonds for the project. Of the total \$21 million estimated bond issuance amount, approximately \$13 million in housing revenue bonds will be used to finance the construction of the project and will be paid off at conversion to permanent financing.

Should the Housing Authority at a later date authorize the issuance of bonds for the project, the bonds would not constitute a debt or liability of the Housing Authority or the City of San Diego. Neither the faith and credit nor the taxing power of the City or the Authority would be pledged to the payment of the bonds.

FISCAL CONSIDERATIONS:

Approval of the TEFRA resolution does not commit the Housing Authority to issue bonds. If bonds are ultimately issued, security for repayment of the bonds will be limited to the value of the property and its revenues.

PREVIOUS COUNCIL and/or COMMITTEE ACTIONS:

None

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

In June 2005, the CCDC Budget/Finance & Administration Committee and the Centre City Advisory Committee ("CCAC") voted unanimously to include the proposed project among the Fiscal Year 2006 Low and Moderate Income Housing Fund priorities. At its meeting on April 15, 2005, the CCAC Pre-Design Subcommittee reviewed the project and offered a variety of comments that were subsequently addressed in the design. The Housing Commission will hear this item on May 26, 2006 and the outcome will be presented as part of the staff report to the City Council.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

Affirmed and HDP compose the development team for the project. The owners of Affirmed and the HDP board members are listed in Attachments 2 and 4. The seller of the land for the project is the Jinger Lee Matuzas Trust. Ross Financial Services and Quint & Thimmig have been selected as bond counsel and financial advisor to represent the Housing Authority.

Fisher/Vaughan

Staff: Peter Armstrong - (619) 578-7556
Mark Blake – Chief Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:39 p.m. – 2:40 p.m.)

MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-334: Proposed Amendments to the Airport Approach Overlay Zone-Area Wide.

(See Centre City Development Corporation Report CCDC-06-09. Districts 2, 3, and 8.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Introduce the following ordinance:

(O-2006-149) RETURNED TO THE MAYOR

Introduction of an Ordinance amending Chapter 10, Article 2, Division 2, of the San Diego Municipal Code, relating to the Airport Approach Overlay Zone.

SUPPORTING INFORMATION:

The proposed amendments are consistent with the recently adopted Downtown Community Plan and were requested by the San Diego County Regional Airport Authority.

FISCAL CONSIDERATIONS:

None.

CENTRE CITY DEVELOPMENT CORPORATION RECOMMENDATION:

The Centre City Development Corporation Board recommended approval of the amendment along with the Downtown Community Plan and Planned District Ordinance.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Centre City Advisory Committee and Planning Commission have all recommended approval of the amendments.

PROJECTED IMPACTS:

None.

Richter

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:22 a.m. – 10:23 a.m.)



ITEM-335: Fairbanks Country Villas Extension of Time, Project No. 85150.

Matter of approving, conditionally approving, modifying or denying the Extension of Time and Rezone for the previously approved Fairbanks Country Villas project to construct up to 95 dwelling units on a vacant 92.72-acre site. The property is located south of Carmel Valley Road and north of Torrey Meadows Drive.

(RZ No. 311245/Project No. 85150. Torrey Highlands Community Plan Area. District 1.)

STAFF'S RECOMMENDATION:

Introduce the ordinance in Subitem A, and adopt the resolution in Subitem B:

Subitem-A: (O-2006-124) CONTINUED TO TUESDAY, JULY 18, 2006

Introduction of an Ordinance of the Council of the City of San Diego changing 92.72-acres located south of Carmel Valley Road, north of State Route 56, North of Torrey Meadows Drive, west of Camino Del Sur, and east of Torrey Del Mar on both sides of McGonigle Canyon, within the Torrey Highlands Subarea IV Community Plan Area, in the City of San Diego, California, from the AR-1-1 Zone (Agricultural-Residential) into the RS-1-14 Zone (Residential-Single Unit) and OC-1-1 Zone (Open Space-Conservation), as defined by San Diego Municipal Code Sections 131.0403 and 131.0203; and repealing Ordinance No. 8858 (New Series), adopted August 9, 1963, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-B: (R-2006-945) CONTINUED TO TUESDAY, JULY 18, 2006

Adoption of a Resolution certifying findings supported by the minutes, maps and exhibits, all of which are herein incorporated by reference, with respect to Fairbanks Country Villas Extension of Time project;

That the Extension of Time is granted to BMR Investors, LTD; Horseshoe Investors, LTD; and Peñasquitos West, LTD, Owners/Permittees, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

OTHER RECOMMENDATIONS:

Planning Commission on March 16, 2006, voted 5 - 0 to recommend to the City Council approval of Fairbanks Country Villas Extension of Time project and Rezone No. 311245; no opposition.

Ayes: Garcia, Chase, Schultz, Griswold, Ontai

Recusing: Otsuji

Not present: Steele

There is no officially recognized community planning group for this area. The Rancho Peñasquitos Planning Board is the adjacent community planning group and acts in an advisory capacity. On November 2, 2005, the Rancho Peñasquitos Planning Board unanimously recommended approval of the application.

STAFF SUPPORTING INFORMATION:

On September 24, 2002, the City Council approved the Fairbanks Country Villas project by adopting Ordinance Number O-19110 and approving Resolution Numbers R-297089, R-297090, R-297091, and R-297092, filed in the Office of the City Clerk. The Fairbanks Country Villas project included a Rezone, Easement Abandonment, Public Right-of-Way Vacation, Vesting Tentative Map, Planned Residential Development Permit, and Resource Protection Ordinance Permit. The Council also certified Mitigated Negative Declaration LDR No. 99-0329 and adopted the Mitigation Monitoring and Reporting Program. The approved project provided two development options: 1) Seventy-nine single family units with sixteen affordable housing units on-site or 2) eighty-five single family units on-site with sixteen affordable housing units off-site. In conformance with the permit, the owner/developer has chosen to provide sixteen affordable housing units off-site, which have been built, within the Torrey Highlands Subarea.

Prior to the expiration of the Vesting Tentative Map, the owner/developer filed an application for an Extension of Time to grant a three year extension to the previously approved actions. Subsequent to the City Council's approval of the project, grading plans and public improvement plans have been approved and signed, yet permits to proceed with the construction have not been issued and the Final Map has not recorded. The Final Map is currently in the review process. Since the Final Map has not recorded, the original Rezone Ordinance has expired and thus, the project requires an approval of a Rezone.

Granting the Extension of Time and approval of the Rezone would allow the owner/developer an additional three years to record the Final Map and begin development of the Fairbanks Country Villas project. The Extension of Time would extend the previous approval of the Easement Abandonment, Public Right-of-Way Vacation, Vesting Tentative Map, Planned Residential Development Permit and Resource Protection Permit. No new conditions or modifications of an existing condition may be attached to the approval of an extension of time, unless new conditions are necessary to comply with state or federal law or are necessary to protect public health or safety. New conditions have been added to the Fairbanks Country Villas Extension of Time project to address the City's Storm Water Standards, adopted in 2002. There are no modifications to the other existing conditions or the design of the previously approved project.

ALTERNATIVE:

Deny the Extension of Time for Fairbanks Country Villas and Rezone No. 311245, if the findings required to approve the project cannot be affirmed.

FISCAL CONSIDERATIONS:

None associated with this action. All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On September 24, 2002, Council approved 7-0-2 the Fairbanks Country Villas project (Peters, Atkins, Stevens, Maienschein, Frye, Inzunza, Mayor Murphy in support/Wear, Madaffer not present).

On March 16, 2006, the Planning Commission voted on consent 5-0-0 to recommend approval of the Fairbanks Country Villas Extension of Time and Rezone (Otsuji-recused/Steele-not present).

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

There is no officially recognized community planning group for this area. The Rancho Peñasquitos Planning Board acts in an advisory capacity. On November 2, 2005, the Rancho Peñasquitos Planning Board unanimously recommended approval of the application.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

Stakeholders-BMR Investors, LTD; Horseshoe Investors, LTD; Peñasquitos West, LTD, Owners and Hunsaker & Associates, Applicant.

Waring/Halbert/CTC

LEGAL DESCRIPTION:

The site is located south of Carmel Valley Road, northeast of the proposed SR-56 alignment, north of 'Street B,' and west of the proposed Camino Ruiz alignment on both sides of McGonigle Canyon in the Torrey Highlands Subarea IV Plan and is more particularly described as Parcel 3 of Parcel Map 6902 and Parcel 2 of Parcel Map 14768.

NOTE: This activity is covered under Fairbanks Country Villas Certified Mitigated Negative Declaration, LDR No. 99-0329. The activity is adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review. The prior environmental documents adequately covered this activity as part of the previously approved project and the activity is not a separate project for purposes of CEQA review per CEQA Guidelines Sections §15060(c)(3) and 15378(c).

Staff: Cherlyn Cac – (619) 446-5226
Nina M. Fain-Newman – Deputy City Attorney

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:08 p.m. – 2:09 p.m.)

MOTION BY MADAFFER TO CONTINUE TO TUESDAY, JULY 18, 2006, FOR FURTHER REVIEW. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-336: Dennery Ranch Neighborhoods 2/3.

Matter of approving, conditionally approving, modifying, or denying construction of 414 multi-family residential condominiums within Planning Areas 2 and 3 of the Dennery Ranch Precise Plan. The project would also abandon water and sewer easements. Lots 1 and 2 of the proposed Vesting Tentative Map, totaling approximately 26 acres, would be developed with 43 buildings containing 414 condominiums and two recreational centers. Lots A, B and C, totaling approximately 9-acres, would be owned and maintained by a Homeowner's Association. The property is located northeast of Palm Avenue and to the north of Dennery Road in the Otay Mesa Community Plan area.

(VTM No. 306147/PDP No. 9436/SDP No. 298506/Easement Abandonment No. 9435/Project No. 5091. Otay Mesa Community Plan Area. District-8.)

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2006-1043 Cor. Copy) ADOPTED AS RESOLUTION R-301577

Adoption of a Resolution certifying that the Addendum to Environmental Impact Report No. 88-0785 (Project No. 5091), on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State Guidelines thereto (California Code of Regulations Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of a vesting tentative map; sewer, water and drainage easement abandonment; and planned development permit/site development permit for the Dennery Ranch Planning Areas 2 and 3 project;

That pursuant to California Code of Regulations Section 15093, the City Council adopts the Statement of Overriding considerations, a copy of which is on file in the Office of the City Clerk and incorporated herein by reference, with respect to the project;

That pursuant to California Public Resources Code Section 21081.6, The City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is incorporated herein by reference;

That the City Clerk is directed to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2006-1039) ADOPTED AS RESOLUTION R-301578

Adoption of a Resolution certifying findings with respect to Planned Development Permit No. 9436/Site Development Permit No. 298506, supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference;

That Planned Development Permit No. 9436/Site Development Permit No. 298506 is granted to Pardee Homes, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

Subitem-C: (R-2006-1038) ADOPTED AS RESOLUTION R-301579

Adoption of a Resolution certifying findings with respect to Vesting Tentative Map No. 306147, supported by the minutes, maps and exhibits, all of which are herein incorporated by reference;

That the following on-site and off-site public service easements:

1. A portion of the 20-foot sewer easement per document 1986-467860, filed October 16, 1986;
2. A portion of the 20-foot sewer and drainage easement per document 1998-0712011, filed November 2, 1998;
3. The 25-foot sewer and drainage easement per document 2000-0032726, filed January 21, 2000;
4. A portion of the 25-foot water easement per document 1952-118843, filed on September 9, 1952;
5. A portion of the 25-foot water easement per document 1999-07774222, filed on November 24, 1999

shall be vacated contingent upon the recordation of the approved final map for the project, based on the following findings:

1. There is no present or prospective public use for the public right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated;
2. The public will benefit from the action through improved use of the land made available by the vacation;
3. The vacation does not adversely affect any applicable land use plan;
4. The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation;

That pursuant to California Government Code section 66434(g) the abandonments shall be listed as such on the Map;

That Vesting Tentative Map No. 306147 and Easement Abandonment No. 9435 are granted to Pardee Homes, Applicant/Subdivider and Project Design Consultants, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

OTHER RECOMMENDATIONS:

Planning Commission on March 16, 2006, voted 4 - 0 to recommend approval; no opposition.

Ayes: Otsuji, Ontai, Schultz, Griswold
Recusing: Chase, Garcia
Not present: Steele

The Otay Mesa Community Planning Group has recommended approval of this project.

STAFF SUPPORTING INFORMATION:

The 35.3-acre Dennery Ranch PA 2/3 is located east of Interstate 805 and south of Otay Valley Road. The Otay Mesa Community Plan designates the site Medium Density Residential. The area was previously mass graded and is currently vacant. Manufactured slopes are already constructed and replanted.

The proposed project is for the construction of 410 multi-family residential unit condominiums plus four guest units and two recreational centers. The project includes 9.1-acres of open space or areas without structures to be owned and maintained by a Homeowner's Association. A part of this area, Lot B (0.6-acre), consists of a smaller portion of the larger Shinohara II burn ash site which lies immediately north of the project in the City of Chula Vista along the Otay River. Burn ash sites are the result of past practices of solid waste management whereby household and commercial trash and related debris were burned. At the March 16, 2006, Planning Commission hearing the Otay River Valley Regional Park (ORVRP) Community Advisory Board (CAC) requested that the Planning Commission require Lot B to be covered with a soil vegetative cap instead of asphalt. The Commission approved this request and the permit has been amended.

The project requires 824 vehicular parking spaces. A deviation to allow 91 of the driveways that are at least 18 feet long, in front of the garages, to count as tandem spaces to meet the parking requirement is proposed. Staff supports this because reconfiguring the site to eliminate all tandem parking spaces would make it difficult to meet the required density for the site and would reduce the number of units.

A deviation is requested for Lot 1 from the required 71-foot side yard setback to a 20-foot minimum side yard setback. A deviation to the 15-foot rear yard setback to a 10-foot minimum rear yard setback is also requested. A deviation to Lot 2 is requested from the required 82-foot side yard setback to a minimum 10-foot side yard setback. A deviation is also requested from the required 15-foot rear yard setback to a minimum 8-foot rear yard setback. The deviations to the setbacks are supported because the proposed 41 buildings will provide a variety of building articulation and placement throughout the site and because they will be consistent with the existing development pattern on the opposite side of Dennery Road.

FISCAL CONSIDERATIONS:

All costs associated with the processing of this project are paid by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

In 1993, the City Council of San Diego approved the 245-acre Dennery Ranch Precise Plan and adopted overriding considerations for Environmental Impact Report (FEIR, SCH No. 88113034). Based on a review of the current project, the previous FEIR and subsequent technical study updates, site specific mitigation measures have been incorporated into the Addendum. No new California Environmental Quality Act findings are required.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Planning Commission Decision: On March 16, 2006, the Planning Commission voted 4:0:2 to approve the project with an amended condition for Lot B. Lot B is the 0.6-acre, on-site burn ash area and the condition has been amended to have it capped with soil and vegetation instead of asphalt.

Community Planning Group Recommendation: On August 11, 2004, the Otay Mesa Planning Group voted 10:0:0 to support the project as proposed with no conditions.

Otay River Valley Regional Park (OVRP) Community Advisory Board (CAC): At the March 16, 2006, Planning Commission hearing the OVRP CAC requested that the Commission require Lot B to be capped with soil instead of asphalt. The Commission approved this request and the permit has been amended to reflect it.

KEY STAKEHOLDERS:

Pardee Homes.

Waring/Halbert/PXG

LEGAL DESCRIPTION:

The proposed project site is bounded by the 664-acre California Terraces Precise Plan area to the south and the 225-acre Hidden Trail Precise Plan area to the east within the Otay Mesa Community Plan area and is more particularly described as Parcel 1 and 2 of previously approved Parcel Map Number 15134.

Staff: Patricia Grabski – (619) 446-5277
Shannon M. Thomas – Deputy City Attorney

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:12 p.m.)

MOTION BY HUESO TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-S500: In the Matter of Whether to Provide for an Attorney for the La Jolla Community Planning Association (“CPA”) and Affected La Jolla CPA Board Members in La Jollans for Clean Government, Inc. v. La Jolla CPA (GIC 865370).

(See letters from Timothy Golba dated 6/13/2006 and 5/8/2006; and Memorandum of Law from City Attorney Gwinn dated 3/7/2000.)

COUNCIL PRESIDENT PETERS' RECOMMENDATION:

Take the following actions:

(R-2006-) ADOPTED AS RESOLUTION R-301580

Approving the retention of outside legal counsel to represent the La Jolla Community Planning Board and its Board Members, as the Advisory Body to the City of San Diego, in the lawsuit La Jollans for Clean Government, Inc. v. La Jolla CPA (GIC 865370);

Authorizing the expenditure of up to \$250,000 subject to the Auditor's certificate for such representation;

Authorizing the Mayor, or his designee, to manage the contract with outside counsel;

Directing the City Attorney to prepare the appropriate resolution in accordance with Charter Section 40.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:40 p.m. – 4:01 p.m.)

MOTION BY MADAFFER TO ACCEPT THE CITY ATTORNEY'S RECOMMENDATION TO SETTLE THIS INTERNALLY BASED ON THE FOLLOWING FACTS: 1) THE REPRESENTATIONS OF THE CITY ATTORNEY ESTABLISHING THE ETHICAL WALL; 2) THE PARTIES ARE GOING TO DISMISS THE CASE; 3) MR. WARING WILL WORK IN THE MIDDLE TO RESOLVE THE ISSUES; AND 4) THE BYLAWS REVISIONS WILL COME BACK TO THE CITY COUNCIL BY OCTOBER. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

REPORT OUT OF CLOSED SESSION:

None.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 4:53 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 4:53 p.m.)